REMARKS/ARGUMENTS

This filing is in response to the Office Action mailed April 16, 2007 ("Office Action").

Claims 39-42 have been amended to clarify the novel features of the various embodiments of the

present inventions. No new matter has been added.

A.   Overview of the Embodiments of the Invention

As described in the Applicants' specification in the Background of the Invention section,

there are fast cookies and slow cookies. Some slow cookies, such as those that are

cryptographically generated, may take a relatively significant amount of time for the server to

generate and transmit to the client in a server response message. If the transmission of content

(e.g., html content, graphics, etc.) is delayed pending receipt of such slow cookies by the client,

this can considerably slow down the rendering of content at the client.

An embodiment of the present invention addresses this problem by permitting delayed or

asynchronous delivery of slow cookies so that initial web page generation and display can take

place at the client while still awaiting the slow cookies. An embodiment of the present invention

provides for this by having the server check client "clear gif" requests (request including a clear

gif link) to see whether they include the slow cookie, thus confirming receipt of the slow cookie

by the client. If the server determines the client's clear gif request reflects receipt of the slow

cookie, the server simply responds with a clear gif response with no slow cookie. If the server

determines the client's clear gif request does not reflect receipt of the slow cookie, the server will

attempt to retrieve and deliver the slow cookie to the client in a server clear gif response that

includes the slow cookie that the client needs.

**B.   The Claims Comply with the Written Description Requirement of
        35 U. S. C. 112, second paragraph**

At page 4 of the Office Action, it is asserted that claims 39-40 and 42 are "incomplete for

omitting essential elements, such omission amounting to a gap between the elements." MPEP

2172.01 indicates that a claim which fails to interrelate essential elements of the invention may

be rejected under 35 U.S.C. 112, second paragraph.

Applicants respectfully submit that the claims are not omitting an essential element. The

Office Action alleges that there is no element detailing the relationship between "a link

indicating receipt of a slow cookie and determining if the client has previously received the slow

cookie." *See* page 4, Office Action. In claim 39, step a) recites "the server receiving from the

client a connection request to the server system, said connection request including a clear gif

link, said request (1) including an indicia evidencing client receipt of the slow cookie or (2) not

including indicia evidencing client receipt of the slow cookie. The step b) of claim 39 recites

that "based on the clear gif link connection request, the server system determining if the slow

cookie has been received by the client pursuant to a prior request from the client." The claim

language indicates that the step of determining if the slow cookie has been received is "based on

the clear gif link connection request" recited in step a) that specifies that the connection request

includes a clear gif link. Accordingly, the claims recite a relationship between step a) and step

b). In other words, in step a) the *server receives* a connection request where the connection

request includes a clear gif link and in step b) based on the connection request, the *server*

determines if the slow cookie has been received by the client pursuant to a prior request from the

client.

Should the Examiner disagree, Applicants respectfully request clarification as to what essential element is missing from claim 39, 40 and 42.

The Office Action further asserts that step (e) of claim 40 and step (5) of claim 42 are unclear. In response, these claims have been amended to address the Examiner's concerns. It is believed this rejection should be withdrawn.

C. The Claims are Not Anticipated by McDonough, U.S. Patent No. 5,991,878

Claims 39-42 are currently rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent 5,991,878 to McDonough ("McDonough").

McDonough appears to be directed to controlling access to information in a distributed computing system. A request for information is received and is accompanied by encrypted session state data. Based on the encrypted session state data, it is determined whether to pass the request on to a source of the information. *See* Abstract.

The Office Action indicates that the terms "slow cookie" and "fast cookie" have been broadly interpreted as an authentication verification and a cookie with user data. The amended claims clarify and the specification supports that "the fast cookie is immediately available" and the "slow cookie is not immediately available." *See, e.g.,* [0025], [0026] of this Application. It is respectfully submitted that McDonough fails to disclose each and every limitation of the claims.

The claims of this Application are directed to the important and novel method and system for enabling a computer system to operate more efficiently by enabling a client to access a website via so-called fast cookies and, thereafter, permitting other ("slow") cookies, such as GET ACCESS cookies, to be delivered asynchronously as they become available. *See, e.g.,* [0007] of

this Application. McDonough is not directed to this problem, so it is not surprising that McDonough does not remotely disclose or suggest the presently claimed invention.

McDonough also fails to teach or suggest the conditional limitations in the claimed invention wherein (1) the server responds to the client request with a clear gif response without a slow cookie if the client request indicated the cookie was already received, and (2) the server responds to the client request with a clear gif response and a slow cookie if the client request indicated the cookie had not yet been received. These features are not remotely suggested by McDonough.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. In addition, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In this case, as discussed in detail above, the Office Action has failed to show that the reference discloses each and every claim limitation recited by Applicants.

Accordingly, since McDonough fails to teach substantive features of the new claims, it cannot anticipate them under 35 U.S.C. § 102. Further, Applicant submits that the claims are non-obvious over McDonough because that reference does not suggest the claimed invention, nor is there any objective motivation for radically modifying McDonough to arrive at the claimed invention.

CONCLUSION

In view of the foregoing amendments and arguments, it is respectfully submitted that this application is now in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

It is believed that no fees are due for filing this Response. However, the Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicants also authorize the Director to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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